

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.606(b),)	MB Docket No. 03-121
Table of Allotments,)	RM-10707
Television Broadcast Stations.)	
(Longview, Texas))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 9, 2003

Released: October 16, 2003

By the Chief, Video Division:

1. At the request of Estes Broadcasting, Inc. ("Estes"), permittee of channel 54+, the Commission has before it the Notice of Proposed Rule Making, 18 FCC Rcd 10351 (2003), proposing the substitution of channel 38- for channel 54+ at Longview. Estes filed comments restating its intention to apply for channel 38-, if allotted. CivCo, Inc. ("CivCo"), permittee of station KLTV-DT, Tyler, Texas, also filed comments.¹

2. We believe the public interest would be served by allotting channel 38- since it would provide the community of Longview with an additional television service. A staff engineering analysis indicates that channel 38- can be allotted to Longview in compliance with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission Rules. The coordinates for channel 38- at Longview are North Latitude 32-35-23 and West Longitude 95-23-27.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 1, 2003, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

¹ CivCo states that any action in this proceeding should be subject to the finality of MM Docket No. 01-244. In that proceeding, the Commission granted CivCo's request to substitute DTV channel 10 for station KLTV-DT's assigned DTV channel 38 at Tyler, Texas. *See Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Tyler, California)*, 17 FCC Rcd 19452 (2002). CivCo points out that while the Commission granted the Tyler channel substitution, a petition for reconsideration is currently pending thereby subjecting Estes' proposal to the outcome of MM Docket 01-244. We find that CivCo's comments are moot since on September 4, 2003, the petition for reconsideration filed in MM Docket No. 01-244 was denied, consequently eliminating any nexus with this proceeding.

CityChannel No.

Longview, Texas

16+, 38-, 51-

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Estes Broadcasting, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying TV Channel 38- in lieu of TV Channel 54+.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau